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The First Victim of The Soviet ICBM

Comment on the Soviet intercontinental ballistic missile has avoided the most obvious of its consequences. This is the destruction of the Eisenhower "open skies" proposal. The idea was that continuous aerial inspection of the bases from which a strategic blow could be launched would eliminate the fear of a nuclear Pearl Harbor. In this improved atmosphere, reduction in arms would become feasible.

But the debut of the long feared ICBM opens a new era. Inspection is no longer the key to relaxation of tension. Air fields may be spotted and policed from the air, but ICBM launching sites may be widely scattered and easily hidden. A strategic strike requires measures of concentration and unusual movement; these can be observed. But widely separated ICBM launching sites may be activated quickly and unobtrusively, underground. In addition, most important of all, is the time difference. The fastest bombers would take at least six hours to reach their targets; an ICBM can make the trip in 30 minutes. This would be the maximum warning time even with perfect inspection, assuming that a country devilishly determined on sudden war would be high-minded enough not to seize inspectors and inspection posts at the zero hour.

A Public Relations Dilemma

The Pentagon will not be sorry to see the end of the "open skies" proposal; one has only to read the discussion of inspection in Henry A. Kissinger's well-informed *Nuclear Weapons and Foreign Policy* to gather how astringently the armed services have always regarded it. But politically the collapse of the aerial inspection approach is serious. From a public relations standpoint, the "open skies" plan was all the U. S. had to offer world opinion in competition with the Soviet's "ban-the-bomb" campaign. So long as we could go through the endless palaver of perfecting a 100 percent certain aerial inspection plan, we could avoid the issues of testing and nuclear warfare.

Meanwhile the Pentagon could go on with its dream (see the August issue of *Fortune*) that we were so far ahead technologically that we could soon reestablish something like the atomic monopoly we enjoyed in 1945-49 and *then,* if necessary, negotiate disarmament. The State Department, for its part, hoped that from the pressures of the continued arms race, it could exact a Soviet surrender on Germany. All these hopes have now been exploded. Whatever the full truth about the Soviet ICBM, it is clear that the Russians will soon have that "ultimate weapon" in working order, apparently before we do.

The outlook is not hopeless *if* public opinion as a first step can force the military at least to give up their insistence on further testing, if not their reliance on nuclear weapons. We have already achieved the fabrication of a hydrogen warhead small enough to be used on a missile, and a ban on tests will not block development of an ICBM. Further testing means (1) that other nations will soon have nuclear weapons, thus making control all the more difficult, and (2) further pollution of the atmosphere by fallout. Of this problem of pollution, one can only say two things with assurance (1) that there is a wide and uncomfortable margin of ignorance around current estimates of both the somatic and genetic dangers, and (2) that since 1931, long before the perilous atomic nucleus was unlocked, scientific estimates of the safe limits of radiological exposure have proven too optimistic, and have steadily been revised downward.

In Less Than 15 Years

The latest warning in this area is that given by two scientists of the Naval Radiological Defense Laboratory in San Francisco at the meeting last month of the American Institute of Biological Sciences; they estimated that in less than 15 years the concentration of strontium 90 in humans as a result of nuclear weapons set off through 1955 may reach the danger point. An agreement on testing is feasible because monitoring stations 500 miles apart would be enough to detect violations as low as the kiloton range. If this could be negotiated apart from the Rube Goldbergian complications and conditions of the whole Western package plan, a great step forward would be accomplished.

A Military Minuet With Moscow

What is required is what any bureaucracy hates most to do —some new thinking. It was difficult enough for the Eisenhower Administration to find in the "open skies" proposal a common denominator low enough to reconcile Pentagon and State Department. To find a new formula, especially one which involves real negotiation, would be even more difficult. The newspapers generally also take the line of least resistance—their panacea is to step up the arms race, but this route leads only to bankruptcy, moral and financial, and to war. As for the military, always worried lest the public "relax" and Congress cut appropriations, they probably see the Soviet ICBM as a not unmixed blessing, since it must raise fear and tension.

The military's favored nostrum at the moment is the one Kissinger puts forward in his brilliant but poisonously delusive book. This is that, with both sides fully armed for mutual suicide, we must now prepare to wage limited nuclear war. The same men who say peaceful co-existence is impossible will now tell us that we can go into a kind of military minuet with Moscow, politely agreeing to fight nuclear wars but only on a limited scale and for limited objectives.

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How Congress Was Stampeded by A Smear-and-Fear Campaign Against the Supreme Court

Why the "FBI Files" Bill May Be Declared Unconstitutional

The so-called FBI files bill is the first triumph in a campaign to create public distrust of the judiciary. In this campaign the white supremacists and the FBI have a common interest, since both regard the new liberal trend as a menace. The real menace is the demonstration that we have reached the stage where our secret police have more power in Congress than any other agency of government. In a session which saw the President defeated on one basic issue after another, J. Edgar Hoover got what he wanted.

Respectable and even liberal elements were mobilized. Not only the Hearst chain but usually responsible conservative papers helped to spread false reports. "Supreme Court Ruling on FBI," the New York *Herald-Tribune* screamed in a four column headline across page one on August 10, "May Force U. S. to Drop Abel Case." This story which emanated from "not to be attributed" sources was so completely false that Assistant Attorney General Tompkins denied it next day. But that did not keep it from reverberating in the press and Congress.

The Whisper That No One Can Be Trusted

A Senator like Clark of Pennsylvania who refused to be stampeded complained to a visitor that even the American Civil Liberties Union was putting pressure on him to support the bill the Department of Justice wanted. The FBI orchestrated all its friends. Semi-literate Broadway gossip columns suddenly sprouted eruditely with quotations from Jefferson criticizing the judiciary. Someone ghosted an article for the September issue of the *American Legion Monthly* in which its National Commander hinted, "We must be alert to the fact that it may be easier for the enemies of our Constitution to subvert nine Supreme Court Justices than 96 Senators and 435 Congressmen. . . . A subverted Supreme Court will be more dangerous to us than an infiltrated Congress." This implication is that no agency of government can *really* be secure against subversion or infiltration. Only the FBI can be trusted.

In the Senate, thanks to the brilliant fight waged by such Senators as Clark, Javits, Morse and John Sherman Cooper, the bill was whittled down to the point where the Hearst papers in a front page editorial on August 26 declared it had been "emasculated by pseudo liberal appeasers." But in the House the opposition of a few men like Celler was steamrollered. In conference committee the vacillating O'Mahoney surrendered and substantially accepted the House version. Only Langer and Kefauver voted "No" in the face of misleading reassurances later given the Senate by O'Mahoney. The House passed the final bill on voice vote, without any recorded opposition. It is time for reflection when Congress shows more respect for J. Edgar Hoover than Earl Warren.

The Objectives Were Broader

The objectives of the campaign against the Jencks decision went beyond a desire to protect the FBI's files. The original bill, introduced by Congressman Walter (HR 7915), would in effect have enabled the Attorney General to keep from a court "any books, records, papers or documents" he considered "confidential." This was so extreme it was scrapped in the House Judiciary Committee.

The Department of Justice substitute, introduced in the House by Keating and in the Senate by O'Mahoney would have revised the Federal Rules of Criminal Procedure to cut down rights of pre-trial discovery. These enable defendants in many types of cases, from murder to anti-trust, to see certain documents for the adequate preparation of their defense. The philosophy behind them is that the government's interest lies not in successful prosecution but in a trial so full and fair that the truth can be determined. Debate in the Senate uncovered the fact that the Department was concerned with a District of Columbia murder case (*Fryer v. U. S. 207 Fed. 2d 134*) where the Court of Appeals allowed the accused not only to know the names of the witnesses against him (as is traditional in a capital crime) but to examine their statements three days in advance of trial.

Celler in the House, like Clark, Javits, Morse and Cooper in the Senate, protested against revision of the rules of criminal procedure without hearings. These rules are too delicate for draftsmanship in mob scenes. But they protested in vain. The final bill restricts pre-trial discovery as well as the Jencks decision and in doing so may prove unconstitutional.

The Fifth amendment says "No person shall be . . . deprived of life, liberty or property without due process of law." Due process is only a legal term for fair trial. It is the Supreme Court, not Congress, which decides what constitutes a fair trial. This is what the Senate Judiciary Committee had in mind when, in reporting the bill, it nervously denied any intention "to nullify, or to curb, or to limit" the Jencks decision and added, "The committee believes that legislation would be clearly unconstitutional if it sought to restrict due process."

Where the Bill Conflicts

But the bill does restrict due process. The Court ruled in *Jencks* due process required that "the criminal action be dismissed when the Government . . . elects not to comply with an order to produce, for the accused's inspection . . . relevant statements or reports in its possession of government witnesses touching the subject matter of their testimony at the trial." There are three rules laid down here, and all three are violated by the bill.

(1) The case need not be dismissed. The Judge can strike the testimony of the witness or declare a mistrial instead. This would encourage the government to take a chance on refusing the defense vital evidence, since at the worst—in the event of a mistrial—it could try the case again.

(2) If the government does elect to produce the witness' earlier reports, they go under the bill to the Judge rather than the defense, a procedure the Court specifically disapproved.

(3) Most important of all, the bill limits the earlier reports the defense could demand to those the witness had signed or otherwise approved or which had been taken down stenographically or electronically. This is the biggest loophole of all. The debate in the Senate brought out that the usual practice is to have the informant give his statement orally, and to have this written down in summary form by an FBI agent.

Such summary reports of oral statements would be exempt from subpoena, though they might be essential—as they were in the Jencks case—to test the veracity of the witness.

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Behind Walter Reuther's One-Man Crusade Against the Inflationary Spiral

Some Economic Realities Neither Adam Smith Nor Karl Marx Expected

Walter Reuther's campaign for lower automobile prices must be seen against the background of some economic realities neither Adam Smith nor Karl Marx expected. American capitalism, like Russian Communism, bears little resemblance to its idealized image. In big organized industry wages are now determined by a peculiar kind of competition—competition among labor leaders. Their popularity with their members and their standing in the labor hierarchy depends on how much they can get in increased wages at annual or biennial bargaining sessions with the managers of industry.

These bargaining sessions have the spurious ferocity of a wrestling match, in which the mountainous contenders make up by groan and grimace for the essential unreality of the contest. The lords of industry look forward eagerly to being pinned to the mat. Trade unionism has become their profit escalator. Every extra dollar in wages gives them an excuse for several dollars extra in price increases.

These increases are made possible because the arms race has created a cost-plus economy in which big industrialists can afford to be gentlemanly. When the leading company puts up its price, its competitors (as they are still quaintly called) put up theirs by the same amount.

The Unorganized Are The Victims

This happy game of wage-and-price leap frog in the organized sector of the economy exploits the unorganized. The consumer, the smaller businesses which have to fight for their dwindling share of his dwindling dollar, the folk who live on fixed incomes, the unorganized worker and professional man, all these are the victims of perpetual inflation.

This can no more go on forever than could that New Era of Herbert Hoover's in the 20's, but it is as hazardous for a labor leader as for a capitalist to be socially responsible. The average trade unionist, like the average investor, is interested in his own take, not in the over-all effect on the economy. When Mr. Reuther in his broadside of August 29 said the prerogatives of labor and management should not be "exercised in a vacuum unrelated to the needs of the whole society," he was talking a language risky with his own rank-and-file—long hair stuff, "sort of socialistic."

The Reuther proposal for a $100 cut in the price of next season's cars was smart public relations. But his offer, however cagily worded, to take that cut into account at next year's wage bargaining session, took courage. The average auto worker will not relish the idea that he might possibly be called on to make a contribution from his own pay envelope to the *pro bono publico* of combatting inflation.

A Sudden Stammer

Indeed the text of the letters to the Big Three which Mr. Reuther released on August 18 seem to reflect some difficulties with his own executive board. The letters are brilliant in their analysis of the industry's economic and sales position, but a slight stammer develops when the question comes up of just what labor would do if prices *were* cut $100.

At one point Mr. Reuther speaks of submitting to impartial arbitration if "a question should arise as to whether the granting of our demands would necessitate a restoration of part or all of the $100 per car price reduction." At another he speaks of "adjusting our demands downward to the extent shown to be necessary in order to avoid a price increase." The companies might have challenged this contradiction, but only at the expense of discussing a subject they would like to avoid.

A man's size can be measured by his willingness in the public interest to take positions his own following may not like. Walter Reuther has again shown himself the one American labor leader of first rank who still has this kind of social vision and daring.

A System of Compulsory Investment

The Reuther campaign represents the kind of responsible leadership commensurate with the huge power now exercised by a great trade union. The campaign cites the plea made recently by the past president of the National Automobile Dealers Association pleading with the manufacturers to absorb increased costs in pricing new models and estimating that this might be a difference in sales of a million more cars. Since autos are our most important consumer durable industry, the effect would be felt by the whole economy.

In his original letters released on August 18, Mr. Reuther showed that the effect of a $100 price cut and a million more sales for each of the Big Three would still leave them with profit margins after taxes far above the national average for manufacturing corporations generally: 18.9 percent for GM, 13.9 percent for Ford, and 19.2 percent for Chrysler as compared with the manufacturing average of 12.1 percent.

These percentages are figured on a net worth which itself represents a vast expansion financed out of exorbitant earnings at the consumer's expense. Since 1947, as Mr. Reuther showed in his statement of August 29, GM's net worth has tripled, Ford's has gone up by two and a half times, Chrysler's has doubled. Very little of this has come from the sale of stock. Most of it represents, in Mr. Reuther's vivid phrase, a compulsory investment by the consumer.

If we had a President with a flair for leadership, he could utilize Mr. Reuther's initiative. What is true in autos is also true in steel, and in every basic industry. Walter Reuther has launched a one-man campaign to educate the labor movement and the country. Will other labor leaders join him, or will they prefer comfortably to acquiesce as junior partners (very junior) in a continuous price gouge which spells serious trouble for the future?

Stone to Speak on Disarmament in Chicago, Detroit and Toronto

I. F. Stone will speak on disarmament (under the somewhat P. T. Barnumish title, "Will Mankind Destroy Itself?") in Chicago, Sept. 20 at 8 p. m., Curtis Hall, 410 S. Michigan; in Detroit, Sept. 21 at 8 p. m., Central Y. W. C. A., 2230 Witherell at Montcalm; and in Toronto, Sept. 22 at 8 p. m. in United Steel Workers Hall, 35 Cecil Street. Brad Little, peace education speaker, American Friends Service Committee, will be co-speaker in Chicago.

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Dulles's Feat: Making America Look Somehow Less Free Than Communist Dictatorships

Pressure Needed to Make Brownell Use Those New Civil Rights Powers

We suggest the organization of a League to Protect the Right to Vote: as a means of putting pressure on the Attorney General to use the new powers given him by the Civil Rights bill. These, for all their restriction, considerably widen his power to combat effectively the kind of registration frauds for which Louisiana juries declined to indict. He can begin injunction proceedings against officials who have been striking Negro voters from the rolls. Officials who persist can still be sent to jail for civil contempt without jury trial until they obey court orders, and can be punished without jury trial for criminal contempt if the sentence is no higher than 45 days in jail and a $300 fine.

Newspapermen for Communist China: The final precipitant of the Dulles decision to let a selected group of U. S. newsmen visit Communist China may have been the news that *New York Times* correspondent Syd Gruson had applied to the Chinese embassy in Warsaw for a visa. As a Canadian, Gruson could have visited Peking for the *New York Times* despite the State Department but this would have provoked an uproar against Dulles in the rest of the press. As it is, David Lawrence was Dulles's only defender. Even the Hearst press in a leading editorial August 25 said that in allowing a restricted form of coverage Dulles had "moved from the untenable to the ridiculous." If the State Department hadn't already made a spectacle of itself, it could have turned a world wide laugh on Peking for the charge that U. S. newsmen were fighting the Department for the privilege of coming to spy! Though there is little more freedom in Russia and China than in Stalin's time, the State Department somehow manages by its attitude toward U. S. students and U. S. newsmen to make our own country seem to be the place where men are not free.

As important as Howard Fast's defection in this country: (now many months later made known in the Soviet Union) was the effect in East Germany of Alfred Kantorowicz's flight to the West. A member of the German Communist Party since 1931, a veteran of the international brigade in Spain, a professor of contemporary literature at East Berlin University, he declared "I myself have contributed . . . to bring about the very thing I meant to fight against—the lawlessness, the exploitation of the workers, the spiritual enslavement of the intelligentsia, the arbitrary rule of an unworthy clique who defile the concept of socialism as once the Nazis defiled the name of Germany."

Post-Mortem on McCarthyism: A report to the American Sociological Society annual meeting in Washington last month of a test study in a Western Wisconsin town showed the "statistically typical McCarthy supporter" to be "more likely to be" a Roman Catholic, of German or Irish extraction, an older man, with less schooling, from a lower income group, and a worker rather than a professional man. . . . William Proxmire, Wisconsin's new liberal Democratic Senator, was a reporter on Bill Evjue's *Madison Capitol-Times*, one of the few militantly liberal papers left in this country.

Jokes: Overheard at a Capitol Hill press table (1) of Sen. John Kennedy and his brother, Robert: "They're just a couple of professional boys" and (2) of President Eisenhower: "He has delusions of sincerity." . . . From the *Texas Observer*, an independent liberal weekly published in Austin, covering the recent State AFL-CIO meeting which adopted the national labor organization's civil rights platform. A Latin American labor delegate told the story of a Latin attending a convention in Dallas who was refused service in a cafe. He was told, "We don't serve Mexicans." "Madam," he replied, with the grace of a *caballero*, "I don't eat Mexicans. I just want a hamburger."

Not the Wife of A Los Alamos Scientist

Behind the peculiar wording of that statement by Congressman Walter accusing Dr. Henry Spitz of Vienna and his wife of being Soviet spies is a correction. A week earlier the press was told that Boris Morros when before the House Un-American Activities Committee had named the wife of an atomic scientist at Los Alamos as a Soviet spy. If true this was a black eye for the security and intelligence precautions of the Atomic Energy Commission. Now, however, Mr. Walter says, "While Dr. Spitz was not employed at the U. S. Atomic Energy installation at Los Alamos, it is significant to note the close proximity his Albuquerque position gave him to the Los Alamos installation." Dr. Spitz, an Austrian physician who came to this country in 1939, took a post at the veterans hospital in Albuquerque, N. M. in 1949, and returned with his wife to Vienna in 1950, where they resumed their Austrian citizenship. This is quite different from the original version but characteristically the correction is covered by a new denunciation, another instance of conviction by headline, though if Morros was that wrong about the Spitzes, he might conceivably be wrong about about them altogether.

This Is The First Issue Since August 19—The Weekly Is Not Published the Last Two Thursdays in August

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